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PATENT
Attorney Docket No.: 023070-103031US
Client Ref. No.: 1992-383-6

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

On October 15, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: John Honick & Dallara

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NOBORI et al.

Application No.: 09/780,114

Filed: February 9, 2001

For: METHOD FOR DETECTION OF
THE PRESENCE OR ABSENCE OF
METHYLTHIOADENOSINE
PHOSPHORYLASE (MTASE) IN A
CELL SAMPLE BY DETECTION OF
THE PRESENCE OR ABSENCE OF
MTASE ENCODING NUCLEIC ACID
IN THE CELL SAMPLE

Examiner: Jeanine Anne Goldberg

Art Unit: 1634

PETITION FOR THE BENEFIT OF A
PRIOR FILED COPENDING
NONPROVISIONAL APPLICATION
UNDER 37 C.F.R. §1.78(A)(3)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition for a claim for the benefit of a prior filed copending nonprovisional application. A reference to a prior filed copending nonprovisional application was unintentionally not submitted with the application at the time of filing.

Applicants request the benefit of a prior filed copending nonprovisional application and submit herewith (1) the petition fee pursuant to 37 C.F.R. §1.17(t), (2) a statement that the entire delay between the date the claim was due under 37 C.F.R.

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§1.78(a)(2) and the date of filing the claim, was unintentional, (3) a copy of a previously submitted Request for Corrected Filing Receipt (mailed to PTO 8/22/02), (4) a Supplemental Application Data Sheet (clean copy) and a Supplemental Application Data Sheet with tracked changes (as compared with Initial ADS of 8/29/01).

REMARKS

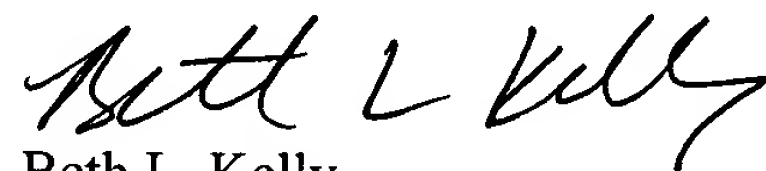
Applicants state that the entire delay in filing the claim for the benefit of priority of a prior filed copending nonprovisional application, from the due date for the claim under 37 C.F.R. §1.78(a)(2) until the filing of a grantable petition pursuant to 37 CFR 1.78(a)(3), was unintentional.

CONCLUSION

Because the entire delay in filing the claim for the benefit of priority of a prior filed copending nonprovisional application, from the due date for the claim under 37 C.F.R. §1.78(a)(2) until the filing of a grantable petition pursuant to 37 CFR 1.78(a)(3), including any delay from the date of discovery of the failure to submit the claim, was unintentional, Applicants ask for the Examiner's forbearance and respectfully request that the petition for the claim for the benefit of priority of a prior filed copending nonprovisional application be granted at an early date.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Beth L. Kelly
Reg. No. 51,868

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: (415) 576-0300
BLK:blk SF 1379429 v1

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/780,114

Filing Date

February 9, 2001

First Named Inventor

Nobori, Tsutomu

Group Art Unit

1634

Examiner Name

Jeanine Anne Goldberg

Total Number of Pages in This Submission

17

Attorney Docket Number

023070-103031US

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Petition for the Benefit of a Prior Filed Copending Nonprovisional Application under 37 CFR 1.78(A)(3); Suppl. ADS; Suppl. ADS w/ tracked changes; copy of previously submitted Request for Corrected Filing Receipt; and Return Postcard

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name

Townsend and Townsend and Crew LLP

Beth L. Kelly

Reg. No. 51,868

Signature

Beth L. Kelly

Date

October 15, 2002

CERTIFICATE OF MAILING

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October 15, 2002

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Jo Ann Honcik Dallara

Signature

Jo Ann Honcik Dallara

Date

October 15, 2002

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TO THE U.S. PATENT OFFICE
FILING ACKNOWLEDGMENT

Mailing Date: October 15, 2002 File No.: 023070-103031US
Due Date: _____ Attorney: BLK/jhd
Appln. No.: 09/780,114
Inventor(s): Nobori et al.
Title: METHOD FOR DETECTION OF THE PRESENCES OR ABSENCE OF
METHYLTHIOADENOSINE PHOSPHORYLASE (MTASE) IN A...

Petition for the Benefit of a Prior Filed Copending Nonprovisional Application under 37 CFR 1.78(A)(3); Suppl. ADS; Suppl. ADS w/ tracked changes; copy of previously submitted Request for Corrected Filing Receipt; Fee Transmittal form PTO/SB/07 and Transmittal Form PTO/SB/21

Please stamp the date of receipt of the enclosed documents and return this card to addressee

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